

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 468 - HB 844

March 12, 2009

SUMMARY OF BILL: Permits the disclosure of mental health records when requested by a state or federal law enforcement agency for the purpose of conducting a firearm criminal history background check.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$851,800

Other Fiscal Impact – According to the Tennessee Bureau of Investigation (TBI), there may be federal grant funds available through the National Instant Criminal Background Check System Improvement Amendments Act to off-set some of the expenditures. TBI does not know at this time if, or when, these grant funds may become available.

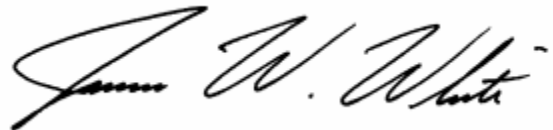
Assumptions:

- According to the Tennessee Bureau of Investigation, the records will be transmitted electronically and will only include information as to whether or not the individual has been formally committed for treatment by the courts. The record will be included as part of the National Instant Criminal Background Check System (NICS) Index.
- According to the TBI Instant Check System Statistical Summary, there were a total of 271,857 firearms processed in calendar year 2008.
- The Department of Mental Health and Developmental Disabilities (DMHDD) estimates that each check will take approximately 10 minutes to run the check through five databases including safety net enrollees, outpatient services for persons charged and/or convicted of a criminal offense, AVATAR for the regional mental health institutes, ATR for services to DUI, drug offenders and compulsive gamblers, and ADMIS for persons receiving certain substance abuse services.
- It is estimated that DMHDD will incur an increase in workload to run records checks 271,900 times per year. Based on 45,317 additional hours of work $[(271,900 \times 10 \text{ minutes}) / 60 \text{ minutes per hour}]$ at a cost of \$16.60 per hour, the estimated increase in expenditures is \$752,262.

- According to DMHDD, a Compliance Oversight Officer will be hired to ensure the transmissions of records are meeting both federal and state confidentiality guidelines resulting in an increase in recurring expenditures of \$99,531 which includes salary (\$58,680), benefits (\$19,951), supplies, communications and networking, and office space (\$20,900).
- A letter from the United States Department of Justice dated November 21, 2008 addresses the possibility of federal grant assistance to implement the disclosure of certain mental health records for firearm background checks. The letter states that funding was not currently available for the grants. According to TBI, funding for the grants is tied into the American Recovery and Reinvestment Act of 2009. In order to receive funding the state has to satisfactorily meet certain federal standards which are currently being discussed among several state departments.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml